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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

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MARTY GROBERG,  
Plaintiff,

vs.

MICHAEL ASTRUE, COMMISSIONER OF  
SOCIAL SECURITY,  
Defendant.

MEMORANDUM DECISION AND  
ORDER

Case No. 1:08CV159DAK

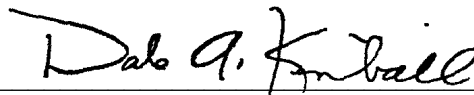
This matter comes before the court on Plaintiff's appeal of the final decision of the Commissioner of the Social Security Administration, dated February 26, 2008, denying Plaintiff's claim for disability insurance benefits ("DIB") and supplemental security income ("SSI") under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 401-433, 1381-1383f. In addition, Plaintiff made a motion to remand pursuant to sentence four of 42 U.S.C. § 405(g) because of a subsequent social security proceeding where he received benefits. The court held a hearing on the appeal and motion to remand on September 29, 2009. At the hearing, Plaintiff was represented by John J. Borsos and Defendant was represented by Anthony J. Navarro. The court has considered the record in this case, the pleadings and memoranda of the parties, and the arguments advanced by counsel at the hearing.

The motion to remand is denied because there were significant intervening medical events upon which the subsequent determination was based that were not substantially related to the prior denial.

With respect to the appeal, the court finds that the Commissioner's administrative decision was supported by substantial evidence and free of legal error. The court, therefore, affirms the Commissioner's administrative decision denying Plaintiff's claims for DIB and SSI. Accordingly, the Clerk of Court is directed to close the case.

DATED this 30<sup>th</sup> day of September, 2009.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", written over a horizontal line.

Dale A. Kimball  
United States District Judge